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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,682

10/22/2003

Giancarlo Caputi

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7590

09/22/2004

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EXAMINER

LUEBKE, RENEE S

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/689,682	CAPUTI	
	Examiner	Art Unit	
	Renee S. Luebke	2833	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7 and 10 is/are rejected.
- 7) ☒ Claim(s) 3-6, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

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1. Applicant's papers, filed on October 22, 2003 appear to indicate that an Information Disclosure Statement (IDS) was filed. It is not found in the file, however. It is noted that a copy of Roth (DE 3443828) was found in the file. If applicant filed an IDS, and references listed there are not found on the PTO-892 with this action, applicant is kindly requested to resubmit the IDS.

2. The listing of references in the specification (page 3) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

3. The drawings submitted October 22, 2003 are acceptable for examination purposes. They are, however, informal drawings. As allowable subject matter is identified in this Office action, formal drawings are now required.

4. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The disclosure is objected to because it remains replete with grammatical, idiomatic and spelling errors; and incomplete sentences too numerous to mention specifically.

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Appropriate corrections are required.

6. Claims 1 -10 are objected to because of the following informalities:

- a. On line 6 of claim 1 “of” should be deleted.
- b. The section on lines 10-11 of claim 1 is unclear. It appears that “two” (both occurrences) should be deleted since the claim now appears to imply that the device at each end of the strap consists of a double-ring structure.
- c. On lines 17 and 18 of claim 1 (and in other claims) “items” should be changed to -item- since “the items” lacks antecedent basis. Alternatively (and probably preferable) applicant can change “a same item” on lines 8-9 to indicate that a plurality of items is supported, with at least one on each strap end.
- d. At the end of claim 5, “hooks; .” should be changed to -hooks.-.
- e. The last two lines of claim 6 is redundant, repeating part of claim 3 from which it depends.

Applicant is requested to carefully proofread the claims (and specification) and to remove any additional typographic or grammar errors.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Roth (German document 3443828). The carrying system of Roth comprises

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a rectangular strap 5 with two ends 5.1, 5.2; first securing means 3, 4 at the ends of the strap; two elongated flexible connector means 2.1, 2.2 with first ends engaging the first securing means; and means 1 for engaging the goods to be carried. The portion that engages one shoulder is generally rectangular and, based on the proportions of the remainder of the device, is “sufficiently short to stay within a shoulder zone” of a user. The connector means is narrower than the strap. In addition, it “is possible” to connect this carrier with a second one. Applicant has not indicated any **structure** in claim 1 that is not found in the device shown by Roth. In regard to claim 10, the elongated flexible connector means 2.1 and 2.2 each comprise a length adjusting means at their top ends.

10. Claims 1, 2, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClintock. The carrying system of McClintock comprises a generally rectangular strap (portions 34) over each shoulder with two ends (adjacent rings 22 and 36); first securing means 22, 36 at the end of the strap; two elongated flexible connector means 24 with first ends engaging the first securing means; and means 30 for engaging the goods to be carried. The portion that engages one shoulder is generally rectangular and sufficiently short to stay within a shoulder zone of a user, as shown. The connector means is narrower than the strap. In addition, this carrier is connected with a second one, on the other shoulder, thereby obtaining a two-shoulder carrier. McClintock does not specifically show an elongated flexible connector on the rear rings 36. However, the specification does state that these rings can be used to hang a flash unit, etc. As all of the other carried equipment is supported by elongated flexible connectors, it would have been obvious to use such flexible connectors on the remaining rings. In regard to claim 2, engaging means include a plurality of hooks 36. In regard to claim 10, the elongated flexible connector means comprise a length adjusting means 26.

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11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pures and Hodges comprise dual shoulder straps with narrower connector means and hooks. Zappatini is a further example of a dual should strap system with a transversal connector. Horak is an example of a shoulder support with a lower transversal element.

12. Claims 3-6, 8 and 9 are dependent upon a rejected base claim, but would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The prior art fails to show or teach a shoulder strap system similar to that claimed having the anchor-shaped element engaging the carried goods or the transversal belt element.

13. The following claim has been drafted by the examiner and is considered to distinguish patentably over the art of record in this application. It is presented to applicant for consideration:

A shoulder strap carrying system for carrying hooked objects, comprising:

a generally rectangular, one shoulder, carrier strap having only two ends and having a face for engaging with one shoulder of a user, wherein each strap end is a terminal end and the strap is uninterrupted from end to end, said strap being sufficiently short to stay within a shoulder zone of only one shoulder of the user, said strap configured for lying freely on the shoulder of the user, and for both of said strap ends to simultaneously support a single item;

a first ring-shaped securing means provided respectively only at each of said ends of said strap;

at least two elongated flexible connector means, each having a first end and a second end, said first ends of said at least two connector means respectively engaging said first securing means;

said at least two connector means being narrower than said strap and comprising means for engaging the item, whereby said item can be hung for carrying;

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said system further comprising a transversal element connecting the second ends of the two elongated flexible connector means, whereby the user can hand maneuver said transversal element to stabilize the item thereby preventing the strap from sliding down said shoulder;

wherein said means for engaging comprise anchor shaped elements having at least two hooks, said item hanging on one hook of each anchor element and said transversal element engaging another of the hooks on each anchor element.

14. Any response to this action may be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15. Any inquiry concerning this communication from the examiner should be directed to Mrs. Renee Luebke whose telephone number is (571) 272-2009.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (571) 272-2800, extension 33.



Renee S. Luebke  
Primary Patent Examiner  
September 14, 2004